

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Brian Ho on October 7, 2009.

The application has been amended as follows:

#### In the Specification:

In the amendment of July 28, 2009, the new paragraphs inserted on page 16, after the paragraph ending at line 7, have been deleted and replaced by the following paragraph:

---Fig. 7 shows the X- ray Diffraction (XRD) of a  $\text{LiCa}_{0.5}\text{NH}$  sample and the X- ray Diffraction (XRD) of a  $\text{LiMg}_{0.5}\text{NG}$  sample disclosed below.---

### ***Terminal Disclaimer***

2. The terminal disclaimer filed on July 28, 2009 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6,946,112 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Allowable Subject Matter***

3. Claims 1-24 are allowed.

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4. The following is an examiner's statement of reasons for allowance: The examiner agrees with all of applicant's arguments relating to how the instant claims distinguish over the prior art of record. The prior art fails to disclose a motivation for using a combination of at least two dissimilar metals that results in the ability to reversibly absorb hydrogen and desorb 60% or more by weight of the hydrogen at appropriate temperature and pressure. The rejection over Chen et al. '126 has been overcome by the submission of a proper rule 132 declaration that disqualifies the publication as prior art. The double patenting rejection has been overcome by the submission of a proper terminal disclaimer. All other outstanding objections and rejections have been overcome by the amendment and are withdrawn. Note that the Oath/Declaration has been annotated by the examiner to show the correct filing date of the international application as September 29, 2004. This date was entered correctly on the application data sheet and the one on the oath is considered to be a typographical error.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Lawrence whose telephone number is 571-272-1161. The examiner can normally be reached on Mon-Thurs 7:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Marcheschi can be reached on 571-272-1374. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frank M. Lawrence/  
Primary Examiner, Art Unit 1797

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